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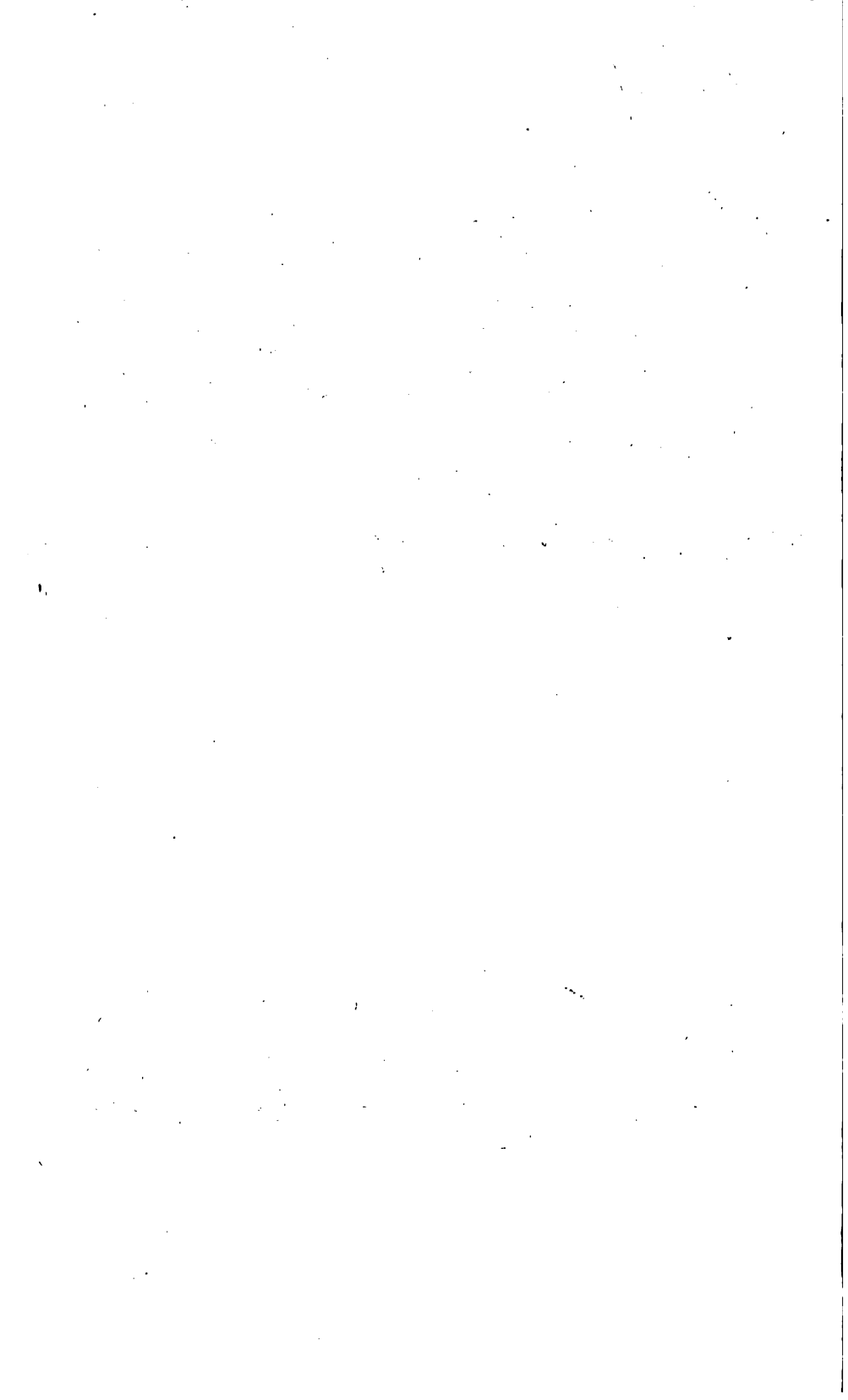


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We,
the people—





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The Constitution of the United States

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*With Comment
and Explanation*

by ALVIN M. ^{Carlin}HIGGINS



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the Copy

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by American Constitutional League

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Foreword

It is the purpose of this booklet to reproduce and interpret the Constitution of the United States in popular language.

This great document is the basic law of the land, but the average citizen has only a perfunctory and superficial knowledge of the profound and enduring political philosophy which brought it into being.

The following pages represent an earnest effort to clarify the more involved and heavy passages of the Constitution, to explain in simple, readable English the meaning of each article and section and to show their practical application to the life of the individual in the workaday world in which we live.

It has been said by enemies of the Constitution that, like a worn-out coat, it has outlived its usefulness and is no longer adequate to the problems of modern times.

Judge of this for yourself.

Read it. Analyze its various provisions anew in the light of your knowledge of human nature and experience of life.

Give it a fair and unprejudiced hearing. Remember that it is the system of government under which thirteen weak and struggling colonies banded together more than one hundred and thirty years ago, and have since grown into the greatest nation in the world.

Then ask yourself if mankind has yet conceived its equal.

The Constitution of the United States

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PREAMBLE

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

“—We, the people—”

Not the rich or the poor, the idle or those who work, the “proletariat” or the “bourgeoisie,” but, **EVERYBODY.**

Kings grant privileges to their subjects. Dictators enforce rule from above. But America is a free and sovereign democracy, in which all the people have made their own nation and lifted it above themselves as their organic law.

In the language of the Declaration of Independence, it derives its “just powers from the consent of the governed.”

“—in order to form a more perfect union—”

The Constitution has enabled thirteen weak, struggling colonies to grow into forty-eight powerful states, making the strongest republic in the world. Rivalries and jealousies are subdued. State boundaries are invisible and unguarded. Arizona and New Hampshire glory in the nation as keenly as do Florida and Wisconsin.

“—establish justice—”

Every state has its own laws and courts, with the federal courts protecting the rights of the nation and its citizens, with foreign nations and their citizens, and the rights of the various states and their citizens between each other.

The power of justice for the nation as a whole is vested in its federal courts.

Before the Constitution was adopted, a state often favored its own citizens and denied others their rights. Payments due foreigners were refused. Contracts were invalidated. Bad money was made legal tender for debts. Unjust preferences in bankruptcy were made. State debts were left owing and unpaid.

With uniform laws and fearless enforcement by judges whose term of office depends solely on their good behavior, the principle of universal justice was established.

NOTE—The Constitution is printed in light type. The heavier type is the comment and explanation.

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“—insure domestic tranquillity—”

The nation is like a big brother who defends all the members of his family from harm, but who compels them to stop quarreling among themselves.

The only time serious trouble arose, two groups of states, the North and the South, settled it forever by a bloody war, which made the union stronger than ever.

“—provide for the common defence—”

Little Delaware or Rhode Island could not keep such an army as New York or Illinois to protect itself against foreign invasion. If we had no union, Wisconsin would be compelled to have a navy on lake Michigan and an army along her borders. The United States defends Wisconsin.

“—promote the general welfare—”

The nation aids commerce, makes forest reserves and national parks; keeps rivers navigable; guards against plague; limits the work-day; manages public works; inspects food and punishes fraud. It creates a sound money and banking system. It operates and extends the postal service. It stops lotteries.

The states control many subjects of welfare, but the federal government watches over the people as a whole.

“—and secure the blessings of liberty to ourselves and our posterity—”

The best government is the one that gives happiness with the least restraint.

Liberty is more than freedom to talk and act and live for today. Your children and your children's children, also, must be free.

The Constitution makes each state a part of the nation, lets each state attend to its own affairs, except such as involve the common welfare of all. It is the guardian, friend and protector of every state and of every man, woman and child in the state.

With Comment and Explanation

ARTICLE I—The Legislative Power

SECTION 1—THE CONGRESS OF THE UNITED STATES

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Congressmen and the President and Vice-President are the only federal officials ELECTED by the people. All others are APPOINTED by their superiors in office.

So the law-makers and the law-enforcers directly represent the will of all the people.

Only rules, orders, and regulations in harmony with the law can be made by other officials.

SECTION 2—THE HOUSE OF REPRESENTATIVES

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Two year terms of office make Representatives face their people often.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Only a mature man, who has lived in this country long enough to know and sympathize with American ideals, can be chosen as a Representative. He must live in the state but not necessarily in the district that selects him.

In England, a member of parliament may live in one part of the country and represent any other part. Although the Constitution does not require it, the custom is, for a Representative to live in the district he represents.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all

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other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5, and Georgia, 3.

The first method of fixing the number of Representatives and taxes which was a compromise to get the approval of the slave-holding states and keep them from forming a separate government, was changed by the XIVth amendment. The Northern states refused to allow the Southern states to count the negro slaves as population on which to base representation and taxation. After the Civil War, when the slaves were freed, this plan was unnecessary. Representation is now based upon population, merely excluding untaxed Indians.

The ratio is now one Representative for every 212,407 people of a state. No matter how large the country grows, this guarantees an equal representation progressively.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

A state is responsible for keeping its vacancies in Congress filled.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

The House of Representatives chooses its own officers, and so rules itself. It has sole power to impeach other federal officials. It cannot impeach a Senator or Representative as they get their office from the people of their state.

To impeach, is to accuse, and indict. It is fitting that the more popular body, chosen by the people, shall say whether government officials may be impeached. The impeachment is laid before the Senate, which acts as a court and passes final judgment upon removal from office.

With Comment and Explanation

SECTION 3—THE SENATE

1. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

The people decided that Senators should be elected directly by the people, and not through the state legislatures. So, in 1914, this was done by the XVIIth amendment. This is one of the actual proofs that the PEOPLE can alter the basic law when they so desire.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

The equality in the representation in the Senate is preserved. New York, with its nine million people, has forty-three times as many Representatives in Congress as Delaware, but the little state has two Senators in the Senate, the same as New York. The equal number of Senators from each state prevents a majority of Representatives in the lower House, which might come from less than half the states, from imposing its will on all the states.

By the XVIIth amendment, the governor of a state must call an election to fill a vacancy in the Senate from that state, but the legislature may empower him to fill the vacancy until the election. Representatives must always be elected by the people, and are never appointed.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Senators, handling weightier matters in some respects, and being elected for longer terms than Representatives, and accounting to the people less often, must be more mature and longer acquainted with the spirit of the country.

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4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

As each state has an equal number of Senators, the decision on a tie vote is held by the Vice-President, chosen directly by the people.

5. The Senate shall choose their other officers, and also a President Pro Tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Vice-President may be absent or even become President, so the Senate chooses a presiding officer to act at such a time.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

If the President should be impeached, it would not be fair for the Vice-President to preside at the trial. So the Chief Justice of the Supreme Court presides. Two-thirds of the Senators are necessary to convict, in order that the verdict may not merely be that of a partisan or impassioned majority.

Removal from office is a degradation and should not be too easy to bring about.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Impeachment aims at the office, not the man. It is to purify the government. The man may be punished for the crime, after he has been removed from office.

SECTION 4—ELECTION OF SENATORS AND REPRESENTATIVES— MEETINGS OF CONGRESS

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature

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thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

As a state legislature might easily embarrass Congress by regulations affecting the federal elections, Congress regulates the elections to its own body.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5—POWERS AND DUTIES OF EACH HOUSE—JOURNALS—ADJOURNMENTS

1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

It has the power to compel its members to attend, and the wisdom of its legislation can only be questioned by the people at the polls.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member.

Congress is its own master, subject only to the will of the people, expressed by their direct vote. Although its members cannot be impeached, yet it is the judge of a member's fitness and may purge itself of the unruly and unfit.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Neither House may obstruct the other by adjournment or removing to some other place, and even the President may

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not convene or adjourn them except upon extraordinary occasions.

SECTION 6—COMPENSATION OF SENATORS AND REPRESENTATIVES— PRIVILEGE FROM ARREST—FREEDOM OF SPEECH AND DEBATE—HOLDING OTHER OFFICES

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Congressmen can always be arrested for crime. They have no rights that other citizens do not have, except to say what they please on the floor of either House. If it is treasonable or a crime, the Congressman may be tried and convicted in a criminal court but he shall not be called to account otherwise.

This is to secure independence and fearlessness. He cannot be overawed or bulldozed by dread of prosecution. A Congressman is the MOUTHPIECE OF THE PEOPLE.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

A Congressman is not allowed to profit by his own official act; and a federal official cannot be a Congressman at the same time. Congressmen are trustees.

SECTION 7—PROCESS OF LEGISLATION—PRESIDENT'S VETO POWER

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

The House is the larger body, and chosen on the basis of population. The Senate has an equal number of members from each state. The larger and richer states are depended

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upon for more revenue than the smaller ones. And, as they have a greater number of Representatives than the smaller states, it is most fitting that bills to raise money should start in the House.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Laws passed by Congress are laid before the President. He has ten days in which to sign or veto them. If he objects to a law, he returns it to Congress, to be reconsidered. If two-thirds of each House approve, it becomes a law without his signature.

This compels deliberation, discourages hasty and improper laws, and checks actions against the rights of other parts of the government. The President is chosen by all people of the nation, and it may be necessary to restrain the selfish interest of any one section or group.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of representatives, according to the rules and limitations prescribed in the case of a bill.

As Congress, by passing an order, a resolution or a vote, may try to do that which would be vetoed by the President,

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as a bill or law, all such acts are considered the same as if they were bills or laws.

SECTION 8—ENUMERATED POWERS OF CONGRESS

1. The Congress shall have power: To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Congress has the power to make the United States a real and vital force as a nation. It cannot tax the people for any purpose except "to pay the debts, and provide for the common defence and general welfare of the United States;" and such taxes must be uniform.

2. To borrow money on the credit of the United States;

The credit of the United States was the basis of the Liberty Loans, for example.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

The federal government controls our coasts, our harbors and our navigable streams; it regulates our foreign trade and our interstate commerce.

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Each state, if left to itself, might admit foreigners to citizenship upon entirely different systems. And each state might make different rules to discharge a bankrupt from his debts, or prefer his creditors.

Uniformity in such matters makes citizenship equal, encourages industry and diminishes fraud.

5. To coin money, regulate the value thereof, and of foreign coin and fix the standard of weights and measures;

If our forty-eight states each had a separate money system, commerce and industry would be demoralized.

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6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Counterfeiting of the national money and securities has become so dangerous that only the hardened criminal attempts it.

7. To establish post-offices and post-roads;

The post-office, aided by steam and electricity, expanded by free delivery, rural service and parcel post, is one of the nation's methods to "promote the general welfare."

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries;

Authorship is protected and invention stimulated.

9. To constitute tribunals inferior to the Supreme Court;

As the population, intercourse and enterprise of the nation increases, and as the state courts are chiefly restricted to their local affairs, the inferior federal courts are established and extended.

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

The nation, as a whole, is most interested in sea crimes and in safeguarding international rights.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Only the whole people, through their law-makers, Congress, may declare war and regulate the conditions of war.

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

A standing army is unconstitutional. A regular army provided for by short term appropriations is not unconstitutional. This is a necessity. This policy prevents the United States from becoming a militaristic nation. The standing army has been the curse of nations.

13. To provide and maintain a navy;

No nation was ever deprived of its liberty by its navy. So the period of its naval appropriations need not be limited.

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14. To make rules for the government and regulation of the land and naval forces;

Even the rules and regulations for both the army and the navy are made by Congress, and not by some department or bureau.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

Having no standing army, but only a small regular army existing merely from one Congress to another, the nation must be able to call the militia of the states to its aid.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

As Congress was authorized "to provide for organizing, arming and disciplining the militia," that power has since been delegated to the President of the United States by law, as the need might occur while Congress was not in session.

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;

The District of Columbia was chosen as the seat of government. And, the vast military and naval properties of the nation, to sustain the efforts of America in the world war, were created under this clause.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Every power granted includes the means to carry it out. For instance, nowhere is the government granted specifically the right to make a contract. Yet it is plain that the nation could not survive without this implied power. So it has

in that way the right to establish national banks; the federal reserve system; to make national roads and canals; to purchase national parks or even foreign territory; to prohibit intercourse or commerce with a foreign nation; and many other means to carry out the powers set forth in the Constitution.

The post-office department has the implied right, no less positive for that reason, to exclude certain matter from the mails, as injurious to the public welfare, such as obscene literature and publications promoting disorders, sedition and treason.

SECTION 9—PROHIBITIONS AND LIMITATIONS ON POWERS OF CONGRESS

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Negro slaves could be imported by the southern states for twenty years after the adoption of the Constitution. That compromise almost disrupted the constitutional convention. To the honor of America, the slave trade was abolished after that period.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

The writ of habeas corpus is an order of a court commanding that the person restrained from his liberty be brought into court, and cause shown why he is held a prisoner.

It permits any person, or the friend of any person, to demand why he is held a prisoner. It can force a sheriff, a police chief or a penitentiary warden to bring a prisoner from the cell to learn whether justice is being done.

It was a right forced from King John of England, seven hundred years ago. Before then, and in many countries since, governments threw men into prison on any pretext and without shadow of right.

The right of habeas corpus is the greatest possible bulwark of personal liberty. It stands between the people and any oppressor. It is not confined to citizens alone. Confessed criminal anarchists before being deported from Ellis Island, are given its rights upon demand.

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No government can survive without it. No people can be free without it.

Public safety may require the suspension of the right during rebellion or invasion when the life of the nation is in danger. Abraham Lincoln suspended it for a period during the Civil War. At such times the liberty of the individual may be temporarily restricted for the good of the whole people. Otherwise, enemies and spies might jeopardize our very homes and lives.

The Lenine and Trotsky government in Russia ignores the right of habeas corpus, and so can and does imprison whomsoever it wishes without just cause.

3. No bill of attainder or ex post facto law shall be passed.

Bills of attainder were formerly passed, and are yet, in some parts of the world, condemning a citizen to death, without trial by jury or legal proof. It was an easy and safe way to dispose of persons who had merely incurred the ill will of the ruling power.

The Constitution grants every accused person the right of trial by a jury of his fellow men. Even Congress, itself, has no power to sentence to prison or to death.

An ex post facto law makes an act illegal that was done before the law was passed. Formerly, legislatures could pass a law fixing punishment for acts already done. As the Constitution was "to establish justice," such a law is abhorred.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The XVIth amendment was adopted in 1913, to permit a tax on incomes, as the people desired.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

The freedom of commerce within the nation and with foreign countries demands that the nation control taxes and duties on both imports and exports.

These two clauses must be read together with the second paragraph of Section 10, of Article I.

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7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

An appropriation of money must be made, before it may be spent. Expenditure, before appropriation, is unlawful. This gives Congress control of national finances.

All receipts and expenditures must be published, so that the people may know how their money is spent by their representatives.

8. No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever from any king, prince, or foreign state.

The United States grants no titles. Every person is the peer of every other person. No official of the United States, without the consent of Congress can accept any gift, office or title from any king, prince or foreign state. A private person may accept anything he pleases. This prevents distinctions between officials based upon any other considerations than their relations to the United States, or any foreign government unduly influencing them.

SECTION 10—RESTRICTIONS ON POWERS OF THE STATES

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

The United States, as a nation, attends to all purely national affairs. Foreign nations look upon our states as we do the counties of England or the departments of France. If New York or Milwaukee offends a foreign nation the United States takes the blame.

Abraham Lincoln refused the Southern states the right to form a Confederacy and go out of the union. "No state shall enter into any treaty, alliance or confederation." The union was made to endure, and the result of the Civil War sealed the compact forever.

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Formerly, the several colonies, when their commerce was in danger, granted letters of marque and reprisal to private ships, authorizing them to attack and capture ships of other nations. It was legal piracy, but in those days of no navies, it was the only means of protection on the sea.

The power to issue currency is a national one. "Emitting bills of credit" means issuing paper money, and not bonds or promissory notes.

As Congress is forbidden to pass bills of attainder or ex post facto laws, or grant titles of nobility, the states are so forbidden.

The states are permitted to fashion their own laws as to contracts, but no state may destroy the rights of a party under a contract already made.

The Russian Soviet government is founded upon a constitution that destroys entirely the obligation of contracts.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

As the power to fix and collect duties from imports and exports and to regulate commerce with foreign nations and among the several states, is granted to Congress under Section 8 of Article I, the states must not be allowed to interfere.

The regulation of foreign and interstate commerce is a national matter and must not be weakened by a divided control.

3. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

If Texas believes that Mexican troops are about to cross the border, and our federal troops are not at hand to repel them, Texas herself may fight them. If Wisconsin is about to be attacked by a hostile ship on Lake Michigan, and no naval vessel of the United States is defending Milwaukee, Wisconsin may arm and send ships or batteries to defend and fight.

This is in the interest of every state, as well as the nation.

With Comment and Explanation

ARTICLE II—The Executive Power

SECTION 1—THE PRESIDENT—TERM OF OFFICE—ELECTION—QUALIFICATIONS—SUCCESSION OF VICE-PRESIDENT—COMPENSATION—OATH OF OFFICE

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

The power to enforce the laws is placed with the President who, with the Vice-President is elected for a term of four years. A second or a third term is left to the judgment of the people. It has not been thought necessary to amend the Constitution in that respect. Few presidents have ever been considered for a third term, because the people have the free men's instinctive fear of a dictatorship.

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives, to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United States shall be appointed an elector.

The people do not vote directly for a President or a Vice-President. The voters of each state choose electors, equal in number to its Senators and Representatives, and these electors determine the choice of that state for President and Vice-President. The electors are guided by the sentiments of the voters usually expressed through their party organizations. Under the Constitution, the elector is free to vote for whom he pleases in the electoral college.

This is another proof of the splendid spirit of fidelity to the wishes of the people fostered by the Constitution.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of

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votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote: A quorum, for this purpose, shall consist of a member or members from two-thirds of the states and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.

The presidential election is now controlled by the XIIth amendment.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

All the states choose electors on the same day. Otherwise, the choice in one state might influence the election in another.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

The President must be a native of the United States, over thirty-five years of age, and while he may have lived abroad he must have resided in the United States fourteen years so that much of his voting life has been spent in American atmosphere. As the Vice-President might succeed the President, he must have the same qualifications.

The presidency is not to be the prize of an ambitious, youthful adventurer. He must have the weight and soberness of full maturity.

6. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of

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the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

During the entire 130 years of our government, no emergency has required the filling of the office of the presidency other than by the President and the Vice-President who were elected; but for such an emergency, a line of succession is established from the cabinet and the Supreme Court and Congress.

7. The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

As the President is given such great executive powers, all temptation is removed for him to receive reward from either the government or any state other than the pay his office afforded when he entered.

8. Before he enters on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

This sacred and inspiring oath places the duty of preserving, protecting and defending the Constitution of the United States before the incoming President and gravely commits him to it, with all the world as witness, and so impresses him with the fact that he is not the master but the servant of the greatest Constitution of liberty that free men ever formed.

SECTION 2—ENUMERATED POWERS AND DUTIES OF PRESIDENT

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing, of the principal officer in each of the

This is What the Constitution

—Establishes for you a *stable* and *responsible* government.

—makes you a *citizen* of the United States if native born.

—gives you *citizenship*, if foreign born, by complying with liberal immigration laws.

—allows you a *voice* in the government through the officials you help to elect.

—guarantees you *life, liberty* and the *pursuit of happiness*.

—*defends* your rights against the government itself.

—makes you *equal* with all men before law.

—confirms to you *religious freedom*.

—accords to you free *lawful speech*.

—guarantees you together with all people the right of *peaceable assembly*.

—permits you to *petition* the government to right your wrongs.

—guards your *property rights*.

—prohibits the government from taking your *property* without due process of law.

—lets you hold *any office* in the gift of the nation for which you are qualified.

—enables you to become a *citizen* of any state.

—prevents you from being held to answer to a crime unless you are *lawfully accused*.

—insures your right of trial by a jury of your *fellow men*.

United States Means to You

- grants you the right of *habeas corpus*, that is, the right to know why you may be held as a prisoner.
- assures you of a *speedy trial*.
- permits having *counsel* in your defense.
- prevents you from being tried *more than once* for the same crime if once acquitted.
- permits you to have trial in the *state* and *district* in which you may have committed a crime.
- loans you power of government to *compel* your witnesses to appear in your behalf.
- refuses to compel you to testify *against yourself*.
- requires that no bail be *excessive*.
- forbids *excessive* fines or *cruel* punishment.
- protects you from *slavery* in any form.
- keeps any state from depriving you of your constitutional *rights*.
- sanctions your bearing arms for the protection of your *life* and *home*.
- secures your home from *search* except by lawful warrant.
- guarantees you that the legal *obligation* of contracts shall not be impaired.
- permits you to participate in the *amendment* of Constitution from time to time.
- prevents your being denied the *right to vote* by reason of race or color.

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executive departments, upon any subject relating to the duties of their respective offices and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.

The President is the chief of all the armed forces. Promptness, unity and harmony are indispensable. Timidity, obstinacy and pride must give way.

Strict accountability by the heads of executive departments must be rendered to him, and so to the people.

As the last refuge of appeal for the innocent or the deserving, the President may pardon or reprieve.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The responsibility of making treaties is so great that the President can only do so "by and with the advice and consent of two-thirds of the Senators present."

The Senate, a smaller body than the House, representing each state equally, composed of older and more mature men, is presumed to have more experience and better judgment in matters of foreign relations, and, accordingly, is made jointly responsible with the President.

Appointments to office are hedged about, similarly, to prevent the President from absorbing and abusing the power of appointment.

Removals from office, except by impeachment, are not provided for, in the Constitution. Custom permits the President to remove at will. The influence of the spirit of the Constitution is shown, in that few removals have ever been criticized. The terms of officials appointed by a President, except the judiciary and those under civil service, are generally regarded as at an end when that President's term expires.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commission, which shall expire at the end of their next session.

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A President could abuse this power, by appointing for the recess favorites whom he knew would not be confirmed by the Senate, which has been so rarely done as to be unimportant.

SECTION 3—RELATIONS OF PRESIDENT WITH CONGRESS—DIPLOMATIC BUSINESS—EXECUTION OF THE LAWS

He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The President is in close touch with the affairs of the nation, and the Constitution requires him to advise Congress. Congress cannot regard his suggestions as impertinent, and if it fails to act, the people may know that he has not failed in his duty.

Emergencies may demand an immediate session of the Congress; and obstinate differences between the two Houses may require their adjournment. In such cases, the President has the power to control the situation.

The President is responsible for the enforcement of law, and the observation of treaties, and obedience to the Constitution. The PEOPLE have imposed that duty on him.

Every officer of the government is entitled to a perfect voucher of his right to hold office, which is shown by a commission from the President.

SECTION 4—IMPEACHMENT OF PRESIDENT AND OTHER OFFICERS

The President, Vice-President, and all the civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

The Constitution limits impeachment to the President, the Vice-President and all civil officers of the United States. Officers of the army and navy are subject to court martial. Senators and Representatives are not officers of the United States as they hold their appointments from their

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state and not from the federal government. Moreover, impeachment of law-makers might have a tendency to intimidate them in the fearless discharge of their public duties. Congress can purge itself by expelling any member.

ARTICLE III—The Judicial Power

SECTION 1—SUPREME COURT OF THE UNITED STATES AND OTHER FEDERAL COURTS—TENURE OF JUDGES—COMPENSATION

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services compensation which shall not be diminished during their continuance in office.

The Supreme Court is necessary, otherwise there could be no final decision on the law. The judges cannot be removed during good behavior nor their salaries decreased. The courts must be above influence by any official, party or thing. Judges are human. Justice is eternal.

SECTION 2—JURISDICTION OF UNITED STATES COURTS—ORIGINAL AND APPELLATE JURISDICTION OF SUPREME COURT— TRIAL BY JURY—PLACE OF TRIAL

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

The state courts have exclusive jurisdiction in all matters except federal questions. No matter how great the amount or vital the dispute may be, between two citizens of the same state, if it does not involve a federal question, the litigation must be conducted in the courts of the state in which they live.

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2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Original jurisdiction means the right to start a case in that court. Appellate jurisdiction means the right to appeal a case to that court from a lower court.

The granting of appellate jurisdiction to the Supreme Court "both as to law and fact" was regarded as endangering the right of trial by jury, as the court might pass upon the facts again after a jury trial. So the VIIth amendment was adopted to make secure the right of trial by jury.

3. The trial of all crimes, except in cases of impeachment shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state the trial shall be at such place or places as the Congress may by law have directed.

Trial of crimes in the federal court are by jury. The right of trial by jury in the state courts is covered by the VIth amendment. Even the federal courts may not try a person in one state for a crime committed in another. And Congress directs where trial may be had for crimes committed on the high seas or on government territory.

Whether the crime be triable by the federal court or the state court, or wherever it may be committed, under the American flag, the accused shall have the right to a trial by a jury of his fellow men.

No court, no judge, no commissioner, no official, not even the President or the Supreme Court of the United States, may deprive the prisoner of this fundamental right.

SECTION 3—TREASON AGAINST THE UNITED STATES— DEFINITION AND PUNISHMENT

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

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Treason is defined by the Constitution, and no law can be passed that makes any other act treasonable. In the dark ages and until Edward the Third ruled England, treason was anything a king or law-makers claimed. Tyrants created what is known as constructive treason, and sent men to prison or to death on the merest pretext. At last a Statute of Treason confined the charge to [1] levying war against one's country, and [2] adhering to its enemies, giving them aid and comfort.

And the proof of treason must be open and sure. The person accused is subject to such contempt and hatred that every safeguard is thrown about his trial. Even the enemies of the Constitution are justly and fairly treated.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Corruption of blood and forfeiture were among the older penalties for treason. Forfeiture took away from the person all rights and property, and corruption of blood kept the traitor's innocent children from inheriting from any relative of the victim. His blood was declared so foul as to make it incapable of even connecting one life with another. Such extreme and cruel punishments are prohibited.

ARTICLE 4—Interstate Relations

SECTION 1—FULL FAITH AND CREDIT TO PUBLIC ACTS, RECORDS, AND PROCEEDINGS

Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

In any state a legislative act, a deed or a mortgage, a judgment or a document, on record in any other state, may be quickly established. The records of a county in Mississippi or California or Vermont can be proved in Wisconsin almost as easily as the records of an adjoining county. Proof is made by certified copies. The seal of each state is accepted in every other state.

Why? "We, the people of the United States, in order to form a more perfect union, establish justice"—is the reason.

With Comment and Explanation

SECTION 2—INTERSTATE PRIVILEGES AND IMMUNITIES OF CITIZENSHIP—EXTRADITION—FUGITIVE SLAVES

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

The Constitution endows each citizen with national citizenship and each state treats the citizens of the others as it does its own.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Under the law of nations, fugitives from justice cannot always be recovered.

Italy, for instance, will not surrender an Italian charged with a crime committed in another country and who has fled back to Italy. She insists on punishing him herself.

The Constitution makes this a positive right as between the states. It promotes harmony and strength; it lessens crime. It is "to establish justice."

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Slave-holding states could reclaim runaway slaves. This was a compromise that almost broke up the constitutional convention. But the Civil War changed the entire condition and so brought about the XIIIth amendment.

SECTION 3—ADMISSION AND FORMATION OF NEW STATES —PUBLIC LANDS

1. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, of parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

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At first there were thirteen states; now there are forty-eight. Most of these have been carved out of new territory and added. Some of them were formed out of the original states. Congress is not allowed to split up a state, without that state's consent; and new states cannot be added without the consent of Congress, which is the consent of the whole people.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Consitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

As the nation has the right to acquire territory, it also possesses the power to govern and protect that territory. The people of the states on the Atlantic coast are as much interested in the government of Alaska, Hawaii and the Phillipines as the people of the Pacific coast are interested in Porto Rico and the Virgin Islands in the Atlantic. It is necessary that Congress, representing all the people of the United States, should control these territories until they are made independent nations, or taken into the union of states.

SECTION 4—GUARANTY OF REPUBLICAN GOVERNMENT—PROTECTION OF STATES AGAINST INVASION AND DOMESTIC VIOLENCE

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Suppose New York or Michigan should by some chance set up a king or dictator, it would be a calamity to the whole people, so the United States guarantees a republican form of government to every state, and the nation will immediately see to it that the constitutional government of that state is supported and re-established at every cost, for the benefit, not only of the state that might so go astray, but it is "to form a more perfect union" and "secure the blessings of liberty to ourselves and our posterity."

If a state has trouble inside its border or is threatened by invasion from without, the nation stands ready to answer its call of distress. The Constitution was ordained to "insure domestic tranquillity" and peace.

With Comment and Explanation

ARTICLE V—Amendments of the Constitution

PROPOSAL OF AMENDMENTS BY CONGRESS—CONVENTION FOR PRO- POSING AMENDMENTS—RATIFICATION OF AMENDMENTS

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments of this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

No human government can ever be perfect. People become restless at times and the spirit of discontent grows strong. If the Constitution could not be changed, it could not keep pace with the progressively changing conditions. So it is necessary to have peaceable means of improving it, which right the Constitution itself grants.

Unless three-fourths of all the states favor an amendment, the necessity for it is not sufficient to impose it permanently upon all the people. While amendments cannot be made easily and quickly, and should not be so made, it is plain that the power of amendment is practicable, as eighteen important ones have already been adopted.

The equality of one state with another is so vital in the Senate that no amendment should deprive any state of its equal voice in that body.

ARTICLE VI—Miscellaneous Provisions

VALIDITY OF THE PUBLIC DEBT—THE CONSTITUTION THE SUPREME LAW OF THE LAND—OATH OF PUBLIC OFFICERS TO SUPPORT THE CONSTITUTION—NO RELIGIOUS TEST REQUIRED

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation.

The Constitution was a code of honor, and so insisted upon the payment of the previous public debts.

The Russian Soviet Socialist's Constitution dishonors the debts of the Russian nation.

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2. This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

The courts must hold any law void that is in conflict with the Constitution.

Each state must recognize a treaty between the nation and another nation as the supreme law of the land. Before the Constitution was adopted, the states deemed treaties made by the confederation with foreign powers as mere moral obligations, or "scraps of paper." The United States never repudiates a treaty nor can the states do so.

3. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Not only must all federal officials take the solemn oath of office, but all state officials as well. The state officials are often agents of the national Constitution. The legislatures of the states take part in the appointment of electors in the election of President and Vice-President. The judges of state courts frequently decide upon the Constitution and laws and treaties of the United States. Governors of states may fill vacancies in the senate from their states, and issue writs of election for Representatives. Militia may be officered, and fugitives from justice surrendered under federal law. So it is easy to see why state officials should render a solemn oath to support the federal Constitution.

As no religious test of any kind is required of any official, any alliance between church and state is impossible.

ARTICLE VII—Ratification and Establishment of the Constitution

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

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Amendments

ARTICLE I

RELIGIOUS FREEDOM—FREEDOM OF SPEECH AND PRESS—RIGHT OF ASSEMBLY AND PETITION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

When the Constitution was adopted, the general sentiment in America probably was that Christianity ought to receive encouragement from the state. The makers of the Constitution were God fearing men. But both Papists and Pilgrims had felt the heel of kings. So, while the Constitution forbids the establishment of a state church, it also prohibits interference with the exercise of religious freedom. Anti-religious propaganda is ignored.

Freedom of speech always means the freedom of **LAWFUL SPEECH**. It never means the freedom of **EVIL SPEECH**, any more than freedom itself means the right to poison, or burn or kill. It is true there is a twilight zone between words that are wholesome and words that are deadly, just as there is a time when poison may be used to counteract or flames to purify or killing to safeguard life. The Constitution does not attempt to catalogue the countless instances where speech may be daring and right, or where it may be defiant and wrong. That is for the people, through their lawful authorities, to determine. Words spoken today may be harmless, which repeated with a menace tomorrow, may excite passions, cause disorders, incite violence and unloose a revolution upon a people who depend upon their government and its Constitution to "insure domestic tranquillity" and protect its peace and happiness.

Freedom to print is no more of a right than freedom to speak. A newspaper cannot print what a person may not say. Vile words, poisonous words, language that clearly provokes unlawful and illegal acts can stab the Constitution as ruthlessly as bombs can destroy lives.

In a world where millions are too busy or too idle to think for themselves, and where many are too weak to resist being

swayed by stronger minds, it is as dangerous to society to speak or to publish words of violence, to excite mad deeds, as it is to do violence, or carry out the mad deeds. The good of all is of greater importance than the license of one to say, publish or do as he pleases.

No speech or press in the world is as free as ours. The Russian Socialist Republic deprives millions of the use of the press, and has placed the power of the press solely in the hands of those whom the dictators designate. One class has been given the power to destroy another, in the name of freedom of the press.

The right of American people to assemble and petition for a redress of grievances does not mean the right of anarchists and criminals and revolutionists to menace the government and its institutions. When an assembly or a petition is to further conspiracies to overthrow the government, it is unlawful and wrong.

Even in time of war, speech is free and the press is open to criticise the government itself, but the spoken or printed words must not be such as tend to overthrow the nation or even cripple its efforts to save itself. At such a time, no person or group of persons may talk or write against the government without being classed with those who work and fight against it.

The right of serious, law-abiding assemblage or petition to redress grievances has never been denied. The Constitution makes that right so secure its denial is unthinkable.

Strangely, the new Russian Socialist Republic fails to give Russians the right to assemble and petition for redress of grievances.

It merely offers workers and peasants furnished halls and light "to hold free meetings." But what they may do at them is left for Lenine and Trotsky to say, as there are no guarantees.

ARTICLE II

THE MILITIA—RIGHT TO KEEP AND BEAR ARMS

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Tyrants always disarm their people, and keep a large standing army to cow them. The Constitution debar standing

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armies but welcomes local militia and concedes the right to the people to protect themselves.

The various states have passed laws making it an offense to carry concealed weapons. But any law-abiding citizen may secure permission to carry or possess arms, to defend his home or himself, under this constitutional guaranty.

The Russian Socialist Republic grants the right to carry arms to those who have no property and leaves those who have property helpless.

ARTICLE III

QUARTERING OF SOLDIERS

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

In other countries, soldiers were forced on private citizens to save expense in keeping standing armies or lessen war expense. The Constitution forbids this. The American home is sacred. Militarism in the United States would have to destroy the Constitution before it could menace the people. Our army is our servant and not our master.

ARTICLE IV

SECURITY AGAINST UNREASONABLE SEARCHES AND SEIZURES

—SEARCH WARRANTS

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In old England, general warrants could be issued to enter houses and search persons without any accusation. The Constitution not only makes that illegal but forbids Congress from passing any law to make it legal. An American's home is his castle.

ARTICLE V
LEGAL PRIVILEGES

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Prosecution for crime must not begin lightly. Written charges must be made by a grand jury which is usually larger and more representative of the community than the petit or trial jury. The person accused must be fully informed of the charge.

Europe, for centuries, let men be secretly accused and openly persecuted. If America errs, it is on the side of tolerance.

True justice is never cruel and never unfair.

No person can be tried more than once for the same offense. The one trial must be complete. If the jury cannot agree, or if there is a mis-trial, he may be tried again. He himself, may secure a second trial or even more if the trial court or the court of appeal so decides. The government, however, is never allowed a second opportunity to convict, if the first trial has been complete and the accused person has been acquitted.

Tyrants and despotic governments tortured accused men into confessions of crime. With rack and thumbscrew they forced words that condemned the sufferer to death. This is forbidden by the Constitution.

Even the worst criminal is protected. No policeman or officer has a legal right to use the "third degree." The courts will reject the confession of crime so secured. Under the Constitution, all men are innocent until they are proved guilty.

Life, liberty, and property are absolutely inviolate. Before the government may take them, or any one of them, a citizen must have his day in court, surrounded by all the safeguards of the Constitution.

No legislature, no ruler, not even the people of the United

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States, may take away private property for the most necessary public good, without making amends.

The Russian Constitution allows the cradle of the baby to be taken, the wife's wedding ring to be forfeited, the rainy day fund in bank to be seized, the home that has been earned by years of toil to be taken, without pay.

All personal rights would be worthless if the government had absolute power over possessions.

ARTICLE VI

RIGHTS OF ACCUSED IN CRIMINAL TRIALS

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Quick trial must follow indictment, because witnesses may die or disappear, or the accused person may suffer unjustly or languish in jail. It must be open, so that all the people may know the rights of the Constitution are accorded and justice done. It must be held in the neighborhood of the crime, for the convenience of the witnesses, fairness to the accused person, and to enable the community interested to watch the trial.

The jury must be a local jury and must be open-minded.

The exact nature of the crime must be set forth. Life and liberty are too precious to lose until "due process of law" has been carried out to the letter.

The accusers and all the witnesses, must face the accused person. No secret evidence can be offered. The freedom of life of a human being must not be lightly taken.

All of these were rights under the common law, but formally expressed in the Constitution. The French Revolution had not yet swept away, nor had England quit the shameful practice of refusing to hear sworn witnesses in behalf of a prisoner, and denying right of counsel to an accused person. Many a poor wretch had been hung because the jury would not believe the unsworn statement of his witnesses against the oath of the perjurer. Many an innocent defendant had been convicted from the lack of a counselor to advise him.

It is hard to believe that England, with all its boasted liberty, never let a prisoner have a lawyer until many years after the American Constitution affirmed that inalienable right.

ARTICLE VII

TRIAL BY JURY IN CIVIL CASES

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Equity proceedings, that is, such matters as frauds, trusteeships and hard bargains, are left for judges to decide, but all suits at common law, over values of more than twenty dollars, may be tried by jury.

The Constitution refuses to surrender, even to the Supreme Court of the United States, the power to pass upon the facts of a case that a jury has once decided.

ARTICLE VIII

PROHIBITION OF EXCESSIVE BAIL OR FINES, AND CRUEL AND UNUSUAL PUNISHMENTS

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

When bail or bond is fixed, to make sure that the person accused of crime will appear for trial, the amount of bail must be reasonable. Otherwise, a person might suffer unjust imprisonment before trial is had or judgment pronounced. Treason and murder in the first degree are the two crimes for which no freedom is allowed before trial.

Fines should not be too heavy, as fines are usually intended to be a punishment of less degree than imprisonment.

Torture and brutal penalties are forbidden. The history of the world had shown our fathers that judges and magistrates often imposed cruel and vindictive punishments, to please bitter prosecutors or savage rulers.

Such are some of the "blessings of liberty" the Constitution ordains, and which, today, Russia, for example, ignores.

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ARTICLE IX

RESERVATION OF RIGHTS OF THE PEOPLE

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Because certain rights are mentioned as important, the existence of other rights not mentioned is not denied. No President, no Congress, no Supreme Court can so assume. The people still hold all rights they have not expressly surrendered.

ARTICLE X

POWERS NOT DELEGATED ARE RESERVED TO THE STATES OR THE PEOPLE

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

None of the powers of the people have gone astray. Either the United States, or the separate states or the people themselves have all the powers which have not been expressly granted.

There are many IMPLIED powers attached to EXPRESS powers. So, it is just as clear that NO POWER can be implied from a mere DENIAL.

The government of the United States is one of limited and plainly defined powers.

ARTICLE XI

EXEMPTION OF STATES FROM SUITS BY CITIZENS

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Law and equity suits were being conducted in all of the states when the Constitution was adopted. The federal courts were forbidden to interfere with those cases already pending in the state courts.

ARTICLE XII

MANNER OF ELECTING PRESIDENT AND VICE-PRESIDENT

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall

With Comment and Explanation

not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The makers of the Constitution clearly expected the electors selected by the people of the various states, to choose the President and the Vice-President, in accordance with their own judgment. The people were not to dictate the choice, but were to let the electors decide. The electoral college was to be a house of delegates with power to choose the chief executive and the vice-executive.

The people, however, soon began to select electors who would represent popular opinion in their states, and who would follow the will of the voters.

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Then it was seen that if the electors chosen desired to elect a President and a Vice-President their supporters wanted, the method in the electoral college was all wrong. The electors had to vote for two men at the same time, the one receiving the most votes being elected President and the one receiving the next highest vote, the Vice-President. In case of tie vote, which might happen often, the election was made by the representatives in Congress, who voted a single vote for each state.

So an amendment was adopted allowing the electors to vote for a President first and then for a Vice-President, in order that the will of the people might be fully carried out.

ARTICLE XIII

ABOLITION OF SLAVERY AND INVOLUNTARY SERVITUDE

Section 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

All slaves were freed by President Lincoln's proclamation issued September 22nd, 1863, as a war measure during the rebellion.

After the war, on December 18th, 1865, the amendment abolishing slavery, was adopted. Since then, no person can be held in bondage except as a convict under sentence for crime.

ARTICLE XIV

CITIZENSHIP

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Slavery was abolished in 1865, but under the Dred Scott decision in 1857, the Supreme Court of the United States had held that a negro was not a citizen. The Constitution had no

yet defined the word "citizen." So it was necessary to make a definition broad enough to include the millions of ex-slaves and to stand for the generations to come.

Every person born under the Stars and Stripes and every one of foreign birth who wishes to share the "blessings of liberty," is not only a citizen of the United States, but also of the particular state in which he chooses to live.

The states are forbidden to take away any of the privileges the Constitution declares to be the rights of the people. They must not even lessen the liberties and immunities of citizens. Life, freedom and property shall not be taken, unless all the orderly processes of righteous laws are obeyed. One man, one woman, one child is as good as another. Not a single soul in the land shall be denied the protection of law.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

The Southern states, with their millions of negroes freed by the XIIIth amendment, and made citizens by the first section of the XIVth amendment, failed to give the negro the right to vote. The nation tried to coax this from the South, by fixing the allotment of Representatives for each state in accordance with the number of votes cast in state elections. Before this could be tested, the XVth amendment was adopted forbidding any denial of the right to vote on account of race, color or former slavery.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States shall have engaged in insurrection

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or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

All the supporters of rebellion against the United States are disqualified from holding any office in the nation or in any state.

No one who has once taken the oath of office under a state or the federal government, is allowed to fill such an office again, if he has given aid and comfort to the enemies of the Constitution, or engaged in insurrection or rebellion against it.

A republic can last only so long as its laws are generally obeyed.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The war debt of the nation, for the expense of putting down the rebellion, was made valid and confirmed.

The debts of the states, incurred for the purpose of destroying the nation, were disowned. No claims were recognized, and no indemnities allowed to those who had tried to disrupt the union. The nation's blood had washed out all obligation to the rebellious states.

ARTICLE XV

RIGHT OF SUFFRAGE NOT TO BE DENIED ON ACCOUNT OF RACE, COLOR, OR PREVIOUS SERVITUDE

Section 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

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The power to vote has never been affirmed to any citizen by the Constitution. Each state has regulated the voting franchise for itself, in harmony with the rights of the people as declared in the Constitution.

The failure of the Southern states, however, to give voting rights to the negro, led to the amendment forbidding the taking away of the vote from any citizen on account of his color, race, or former slavery.

ARTICLE XVI

LEVY OF INCOME TAX WITHOUT APPORTIONMENT

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

The Constitution had provided that "direct taxes shall be apportioned among the several states, according to their respective numbers." This deprived the nation of one of the most productive sources of revenue. It meant that if a thousand millionaires lived in one state and ten thousand poor men lived in another, the poor men might have to pay ten times the direct taxes in their state to the federal government that the rich men paid through their state. The taxes would be paid by the head and not by the dollar.

So the income tax amendment was adopted in 1913. Under it, the man with an income of \$1,000,000 pays over \$635,000 of it in federal taxes, while the man of small means pays a proportionately smaller tax or none at all in accordance with his income.

So there was accomplished by an amendment what might have required a revolution in a less orderly nation.

ARTICLE XVII

POPULAR ELECTION OF SENATORS

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state

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may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Until 1913, the legislatures of the various states selected the Senators from their respective states.

After giving this method a trial of over a century, the people determined that Senators should be elected by the people of the state they represent, and it was so done.

No other amendment to the Constitution was ratified by the states so quickly. Within five months after they received it, it was a part of the basic law.

It makes both branches of Congress directly representative of the people. The law makers as well as the law enforcers, are accountable to the voters.

This amendment does not destroy the primary object of the creation of the Senate. Each state is entitled to two Senators—thus preserving the equality of the states in one branch of Congress, while the people of the congressional districts control the other.

ARTICLE XVIII

NATIONAL PROHIBITION

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

The prohibition of the manufacture, sale, or transportation of intoxicating liquors for beverage purposes is the most recent amendment ratified by the states, and is further conclusive evidence that the Constitution can be amended in response to public sentiment.



